

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GREGORY THOMAS,
Plaintiff,

vs.

5:08-CV-0318
(NAM)(DEP)

JAMES O'BRIEN, Syracuse Police Officer,
OFFICER DADEY, OFFICER CUNNINGHAM,
and SGT. RATHBUN

Defendants.

APPEARANCES:

Gregory Thomas
13366-052
USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837
Plaintiff, *Pro Se*

Norman A. Mordue, Chief U.S. District Judge

DECISION and ORDER

Currently before the Court is plaintiff's amended complaint, *see* Dkt. No. 14, which he has filed in compliance with this Court's April 30, 2008 Order. *See* Dkt. No. 13.

Plaintiff's amended complaint fully sets forth the factual basis for plaintiff's claim of unlawful arrest and, therefore, corrects the deficiencies that the Court discussed in its April 30, 2008 order. Plaintiff adds three new defendants to his action: "Officer Dadey", "Officer Cunningham" and "Sgt. Rathbun". Additionally, plaintiff deletes defendant "Gary Magil" from the action. The Clerk of the Court will be directed to reflect these changes on the docket.

Accordingly, after reviewing plaintiff's amended complaint and the applicable law, and for the reasons stated herein, it is hereby

ORDERED that the Clerk revise the docket to add “Officer Dadey”, “Officer Cunningham” and “Sgt. Rathbun” as defendants to this action, and to remove “Gary Magil” as a defendant to this action; and it is further

ORDERED, the Clerk of the Court shall issue summonses and forward them, along with copies of the amended complaint, to the United States Marshal for service upon the named defendants, together with a copy of this Order.¹ The Clerk shall also forward a copy of the summons and amended complaint by mail to the Office of the Attorney General for the State of New York, together with a copy of this Order; and it is further

ORDERED that a response to plaintiff’s amended complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on the defendants; and it is further

ORDERED that all pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. Any paper sent by a party to the court or the clerk shall be accompanied by a certificate setting forth the date a true and correct copy of same was mailed to all opposing parties or their counsel. Any letter or other document received by the clerk or the court which does not include a certificate of service which clearly states that an identical copy of same was served upon all opposing parties or their attorneys is to be returned, without processing. Plaintiff shall also comply with any requests by the clerk’s office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in the filing of motions, which are to be made returnable before the assigned

¹ The Court previously granted plaintiff leave to proceed *in forma pauperis*. See Dkt. No. 13.

Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the clerk's office and all parties or their counsel of any change in his address; his failure to do so will result in the dismissal of the instant action.** All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court; and it is further **ORDERED** that the clerk serve a copy of this Order on the plaintiff in accordance with this court's local rules.

IT IS SO ORDERED

Date June 18, 2008
Syracuse, NY



Norman A. Mordue
Chief United States District Court Judge